Top F. IX-4

193 6.

File No. 239-36

Previous References (Mysore)

Serial Nos. 1 – 2

Letter References.

Mys Leg-38 (1-3)
9-39, (7, 10, 12 & 14)
Mysore Dep 12 & 40.
Mysore 367-2:

GENERAL AND REVENUE SECRETARIAT.

Mys 221 17-(1-)

Mysore 368-40-(1-7)
" 175-44-1-2

Serial Nos.

Part B for May 1937.

SUBJECT.

Management of the affairs of temple of Sri Brahmanya Swami at Ramanathapuram Arakalgi

To. The Mys/Com
1481-9 (1-5-37)

WD 0418—GPB—22,500—29-8-36

In this case the powers under the Mysore Religious and Charitable Institutions Regulation VI of 1927 has to be exercised over the

G. R. S. APP. F. III—1] 1936-7

GENERAL AND REVENUE SECRETARIAT.

(Mug)

NOTES.

File No. 25

FILE HEADING

Management of the affairs of the Temple of Sri Ambabhumanga Swamie at Ramanathapuram Srakalpad Taluk.

FROM The Mysore Commissioner

C No. 276/35-36 Dated 11-11-1936 Received 14-11-36

Diary No. 480 | Enclos. 2 3½ Spare copies | Serial No. 1

BRIEF ABSTRACT OF LETTER

States that Sri Ambabhumanga Swamie temple at Ramanathapuram is subject to the Management and Control of the Local authorities viz the Government Inspector and the Trustees of Sri Ambabhumanga Mutt Pethanaickenpet - North Canara, and requests to be informed whether the passing of the Mysore Religious Charitable Institutions Regulation VI of 1927 supersedes all previous orders and the finding of the Privy Council and whether the Swamiji can keep the Deed of Settlement out of reach of the Mysore officials and continue to exercise control over the institution in the matter of appointment of trustees, the audit of accounts, the sanction of alienations, etc.

NOTES AND ORDERS.

(1) It is

Instead in the negative

NOTES—First Sheet

WD 0245—GPL—2,500—23-8 32

File No of 1936-7

General and Secretariat

do Submitted in the Dy. Asst's Letter of 20/8/36

" " The Manager in Charge of the Institution transmitting Annual Accounts & Returns for 1429-S. 4

2) The Swamigalu in his petn of 2-7-36 addressed to the M.C. says that the entire administration of the affairs of the temple rests with the trustee from time immemorial and that the present cash grant of Rs 286-14 is in lieu of the village of Jagati Inam Lands now resumed by the previous Swamigalu and that Jagati bill was formerly endorsed for Deeparadhana by the previous trustee - It is also clear from the Inam Register that the Institution has been enjoying Archaka Inam lands for the support of Sri Kanakamma Village and Sri Chokkanathi, Archaka Grant Tk. (Vide at nos 1429-pp 6 & 8 of the Inam Regr.) - The continuance of the cash grant referred to above is subject to the Institution being maintained in a good condition and services are rendered regularly thereto. In this connection Mr. Rao's letter is invited to the review by the D.C. Varadam on the note of inspection of the Institution by the Amildar on 18/5/34. It seems therefrom the main building and the roofings of the Mandapas in prakara are reported to be leaky, that registers of movables and immovables of the Institution have not been maintained the trustee authorised and that certain jewels of the Institution are not traceable. To this extent it may be said that the affairs of the Institution are not managed by the Swamigalu of Sri Sri Sri Ahobila Swamigalu Mutt

Phase of the petn

Flagged

Flagged

J

Serial No.

The chief executive authority in matters connected with Mines & Minerals is vested in the Govt under Sec 3 of the Mysore R+C. Inams Regn VII of 1972)

3) As the Inamdar is in the enjoyment of both land & cash grants, it is beyond doubt a Mines. Inamdar and as such the local Mines officers can exercise powers under the Mines Rules.

The contention of the Swamiji also that the Govt officers can not interfere in the affairs of the particular Inam is not tenable.

4 The D.C. Bangalore in his letter

xP No C 509/34-35 of 20/8/35 refers to Govt No 205-Y-80/665-80-3 dated 31-8-80 The Collection has been destroyed & the Govt is not found in the Mandal Volume for May 1902 and a copy of the File Register sheet is attended for perusal. Beyond what is found in the File register copy, the portion of the order regarding the maintenance of accounts alluded to in the D.C's letter is not to be found out by the D.C. has also

x Map 8

The Inamdar of Kaiwara

WD 0417 -GPB—30,000—8-9-36

File No. of 1936-7

Serial No.

among the Rules - entered in registers
available records — It is subd
that in cases of perpetuities the grantees
such got entered among the

6) In para 6 of the P & R the Mc.
Bodies the Law Dept may be consulted and
here is meant of the passing of
the Regn - 1927 supersedes the previous
orders of the finding of the Swami Settlement
and if the Swamigal may be called upon
not to object to the duly appointed Executive
powers of supervision over the affairs
of the Instn specified therein.
7) It adopted. The file may be refd.
finance

6

There seems to be no
necessity to call upon the
Swami not to object to the supervision of the affairs of the temple and its property by empowered officers sec. 6 of the Religious and Charitable Institutions Regulation seems to empower Govt. to do so without any such consultation.

11.36

Govt. of Madras Affairs of Sri Subrahmanya Swamy Temple at Kukke

Judicial and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

In favour of legal opinion as prayed for in letter of the Asst. Comr. dated 11th November 1936.

Asst. Secy
Law Section
with compliments

2
1/12/36

141
Law
BMR
1.12.36

10) In his letter (Flag A), the Swamigalu of Subrahmanya Mutt, Udipi, writes as follows "ಪ್ರಸಿದ್ಧ ಶ್ರೀ ಕುಕ್ಕೆ ಶ್ರೀ ಸುಬ್ರಹ್ಮಣ್ಯ ಕ್ಷೇತ್ರವು ನಮ್ಮ ಮಠಕ್ಕೆ ಸೇರಿದ್ದು ಅದರ ಪೂರ್ವಾಪರ ಸಂಬಂಧವನ್ನು ಕುರಿತು ಈಗಾಗಲೇ ಅನೇಕ ಸಲ ಮದ್ರಾಸ್ ಸರ್ಕಾರದವರಿಗೆ ಮತ್ತು ಮದ್ರಾಸ್ ಹಿಂದೂ ರಿಲಿಜಿಯಸ್ ಎಂಡೋಮೆಂಟ್ಸ್ ಕಮೀಷನರ್ ರವರಿಗೆ ಬರೆದಿರುತ್ತೇವೆ" There are also other Communications from the Mutt bearing to show that the Mutt claims the Temple as theirs.

11) Information may kindly be obtained from the Muzrai Commissioner if the Temple in question is a private Temple belonging to the Subrahmanya Mutt at Udipi.

A.

Asst. Secy
Muz. Br
WC.

BMR
8.12.36

12) A. Call this information for Sanction and the Asst. Comr may be informed.

13) The records received from Asst. Comr Kundapur be returned.

NOTE—Contn. Sheet.

WD 0417 -GPB—30,000—8 9-36

File No. of 193 . | General and Revenue Secretariat

Serial No.

Known whether this temple at Ramanathpuram was built purely out of funds collected by the Thiru Swamigal himself out of the monies so as to entitle the Trust the ownership to it—

(1) The previous orders of the Govt and the Supdt of Hindu Religious and Division referred to by the Swamigal are pertain to a period when there was no any Regulation governing these Institutions. There is no indication that the Mysore Religious and Charitable Institutions Act VII of 1927 or any part thereof shall not be extended to Sri Subrahmanya Swamis temple at Ramanathpuram Arukalgudi (Vide the proviso to Sec. 1 of the Regn of)

(2) The Institution is in receipt of a cash grant and also a land grant and as such it is a Hindu Religious Institution in every sense subject to rules framed under the Regulation.

(3) The file may be referred to A.G. to the M.C. for favour of furnishing information

E

Hindu Religious Institutions Act 2.

Ind. Revenue
arial

File No. [illegible] of 193 6. 7 [App. F. III—2

Serial No

Called for in file 11 ciphers

C.S. 21/1 22-1-37

17) 2 -24-

GENL. REV. SECRETARIAT. 22 JAN. 1937 M. SECTT. BRANCH

3 1/6 Forwarded with compliments to the Mysore Commissioner for Coorg by furnishing information called for in file 1 cipher

Yours

Mysore Comm-

C

C 276/35-36

Cancel - Typed file.

17) Beyond the fact to which the [illegible] was consecrated by the Cross [illegible] the present [illegible] evidence to show that the [illegible] one belonging to the [illegible] ing boundary in the [illegible] 181-11 (of Columbus [illegible] [illegible] been confirmed [illegible] subject to certain conditions [illegible] temple [illegible] but it [illegible] [illegible] tinues to be vested [illegible] of the [illegible].

C 276 35-36

NOTE—Contn Sheet

WD 0417-GPB—30,000-8 9 36

4454/36 P/

Management of Subrahmanya Swamy Temple Kanara alpr. Madras

Mis. File No. of 193 6. General and Revenue Secretariat

Serial No.

20). Returned with compliments.

30-1-37. Under Commissioner.

GENERAL SEC. 1-FEB. 1937

If appd. The file may now be

Refd. to ~~a Asst.~~ Asst. Rc. Para 18 supra.

2/1/4-

2. As regards the extent of the rights of the Swamigalu of Sri Subrahmanya Matt at Subrahmanya, South Canara ~~of~~ attention is also invited to the orders of ~~Govt~~ dated 24th Nov. 1895.

U

2.2.37.

Law Secy.

2/2/-

BKR 2.2.37.

Reference para 11 supra.

Subd. for favour of furnishing legal opinion

As defined in Sec. 2(2)(i) of the Hindu Religious and Charitable Institutions Regulation 1927, "Mutt or Institution means and includes every matha or temple for the support of which any monthly or annual grant in perpetuity is made from the public revenues or an inam is granted and recognised and

3/2

Serial No.

registered as a devadaya or dharmadaya grant but the Government have not the same powers of control and management over all kinds of religious institutions. Chapter II deals generally with the control and management of religious institutions; Chapter III deals with public, religious and charitable institutions other than religious institutions; and Chapter IV relates to Mathas and similar institutions. Section 24 appearing in the beginning of Chapter IV, provides that the provisions of Chapters II and III shall not apply to Mathas and other institutions of a similar nature or to the property belonging to them. Sections 25 to 27 relate to circumstances in which the Government may take over the possession and management of Mathas and their properties.

In the present case it looks as though the Subrahmanya Mutt of Nirpi claims the temple in question as their private property (See letter Flagged Q). If the Temple is really a private one, then the powers of interference by Government have to be exercised only if the circumstances mentioned in Sections 25 to 27 exist but it seems that no such circumstances exist in the present case. Regarding the cash grant enjoyed by the Temple the position is different. The cash grant has been

NOTE—Contn Sheet

WD 0417 -GPS- 30,000 -8 9 36

Serial No.

Confirmed during the Inam Settlement, subject to the Condition that the grant will be payable so long as the object of the grant is fulfilled and the institution is kept in order. It is therefore open to the Government to look into the accounts to find out if the object of the grant is fulfilled and the services rendered properly. In Para 12 of the Communication from the Swamigalu (Flag Q), it is clearly stated that if the Government so desires, the Mutt has no objection to inspection of the accounts by an officer of Government not below the rank of an Amildar.

2) On the other hand, different considerations arise, if the Temple is not a private one. The Muzrai Commissioner observes in para 19 above, that there is no evidence to say that the Temple in question is a private one belonging to the Sri Subrahmanya Mutt. When it follows that the Temple, being in the enjoyment of a cash grant and Inam lands, comes within the purview of Muzrai in Shimoga (by provisions of Chapter II. As provided in Section 3, the Chief Controlling Authority

in all matters connected with muzrai in Shimsha is vested in Government. Under Section 5, subject to such rules and conditions as the Government may prescribe the Deputy Commissioner shall be the immediate controlling authority in respect of all the muzrai institutions in the District. Under Section 6, the Government may appoint dharmadarsis to manage the affairs of the muzrai institutions and the Govt may delegate to the Muzrai Commissioner or the Deputy Commissioner the power of appointing dharmadarsis. Thus the Government will be quite justified in appointing dharmadarsis for the proper management of the affairs of the temple ordinarily, except as a dharmadarsi, no other right of management in a private individual of a muzrai institution is recognised in the Regulation and an exclusive right of management of a muzrai institution in a private individual cannot exist in view of the express provisions in chapter II of the Regulation. These points have been clearly discussed in the case reported in 9 Mys L.J. 164 (Nagappachari vs Govt of Mysore). In that case the plaintiff contended that by virtue of a Sannad of 1826, he had the power of exclusive management. On an examination of the Sannad

WD 0417—GPB—80,000—8 9 36

the Court held that the Sanad also did not appear to confer any such right of exclusive management.

(6) In the present case, the Mutt seems to claim a right of exclusive management. I think it has been conceded that the Mutt has been admittedly managing the affairs of the Temple for a long time. But the important point whether it has also been in exclusive management. The Rubkari of 1866 (copy of it accompanies the Communication flagged Q) sets forth that the document produced at the time established that from time immemorial the Mutt has full rights of management of the Temple and the Government should not interfere in the management. The Government order of 24-11-95 (Flag H in the file produced below) sets forth that Government have no intention of depriving the Mutt of its power of management of the Temple, so long as the ~~Mutt~~ Temple is properly managed, but the Inspecting Officer will inspect when necessary the accounts of the Temple to see if the cash grant is properly spent and that the Executive is bound to render

Serial No.

such accounts - Even as recently as 21/10/35 the Muzrai Commissioner has stated that the present state of affairs is not such as to justify the displacement of the Swamigals from the position of Sole Dharmakarta.

(2) But it is significant that though the right of the Swamigals to manage the temple without unnecessary (and not any) interference by Government may be deemed to be established, there is nothing to show that the Swamigals has the exclusive right of management In fact the attitude of the Government has always been that they have a right of interference if the circumstances so demanded. As observed in Mylai J case above referred, though an exclusive right of management of a Muzrai institution in a private individual cannot exist in view of the express provisions of Chapter II of the Regulation

30) the enactment of 1927, must be deemed to abrogate all the previous executive orders of Government prohibiting interference by the Muzrai officers in the management of Temples. If such a right has however been granted by any notification of the Chief Commissioner then only such a right is possibly one

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8 9 36

File No. of 1936-7 | General Secretariat.

Serial No.

Cyprus Regulation of 1927. In the present case there is nothing to show that such a right has been granted by any notification by the Chief Commissioner

31) Forwarded, with compliments, to the Government Advocate for favour of further suggestions, if any

B.K. Ramakrishnayya
3-3-37

No. C.No.p 155 of 36 dated 4.3.37

No. D.O. 685/36-37, dt 4/3.37

Returned with compliments.

No. D.O. 163 36-37 dt 9.3.37

When once it is conceded or found that the Institution is a Muzrai Institution then it becomes amenable to the jurisdiction vested in the Muzrai Officer under the Regulation of 1927 notwithstanding all prior executive orders to the contrary. There may perhaps be some doubt regarding the question of the regulation overriding the Chief Commissioner's Notification on account of the relevant clause in the Treaty which provides for the integrity of all the Rules and Notifications of the Chief Commissioner as was raised in 32 Mysore Chief Court Reports at page 14. But in the present case no such question arises. The Order of 1866 relied on by the Mutt, if authentic is nothing more than an executive order and such orders have not the force of law and could not have been in the ambit of the clause in the Treaty. It does not so much by itself in express terms deny that

Mgt. of the account of the affairs of Sri Subrahmanya Swami Temple – Ramanathapuram. Appointment of

General and Revenue Secretariat — File No. — of 193 — [App. F. III—2

Serial No.

that it has no power over the temple as it proposes to pass an order on that assumption which it was led to make by the impression created, on the papers that were then perused. Besides, there was no statutory power expressed in such language as the Regulation of 1927 does.

32) There are later orders which definitely assert the power of the Government in the matter and such assertion has been left unchallenged by the Mutt for a very long period. This conduct of the Mutt may reasonably be construed to amount to acquiescence giving rise to an estoppel.

33) I think powers under the Muzrai Regulation may be exercised over the Institution.

Mohd. Nurullah
Government Advocate.

CSN/8.4.37

9 APR. 1937

GENL. & REV. SECRETARIAT. 10 APR. 1937 MUZRAI BRANCH

35) BKR 9-4-37

Asst. Secy. Muzrai

36) Subject for addl. in Govt. opinion in para 32-34 supra given by the Govt. Advocate in the matter may be sent to me for

THE FIRST ... 20 APR. 1937 ... SECRETARY. GE... 16 APR. 1937

1.4.37.

37) Govt. Advocate for addl. opinion 2/4.

38) 9/4

First Member

NOTE—Contn Sheet.

WD 0417--GPB—80,000—6-9-36

Re. Management of accounts of Govt Subordinate Services (Public Examinations). Instructions issued

File No. of 1936-7

General and Secretariat

Serial No.

6878

If (This ref^ce has not been seen by the Sec^y to Govt

dtd 19-4-37, Though there have been two U O ref^ces)

On the main question there is no doubt that under the Reg^n, powers of Control etc c^d be exercised to the extent provided in the Reg^n Indeed the necessity for this reference is not clear The P.S.C may be informed as in the Govt Ld.C.'s note.

S/02 20/4

41) Gaz 2074

2/10/41-

12-4-37

1) As proposed on the draft attached

2) For approval 2/24/41-

GENERAL 23 APR. 1 1660

For Secy) 45 Gaz MT

Serial No.	
2	No 1481 of 11-5-37 to the Mysore Residency intimating that powers under the Mysore Religious & Charitable Institutions Regulation VII of 1927 may be exercised over the institution referred to therein

B
B 1915
B 1915

WD 0417 - GPB—30,000—8-9-36

File No. of 193 .

General and Re
Secretariat

Serial No.		

Mag 665 — 08 (18) Subr alumnary & Swamis (cem. at Ramanathapuram — Arakal gnd TK.

Sl no 1 D. No 279 dd. Letter no 348/14-7-08 from the D.C. Nilgiris Dt

Submits for orders records relating to the non-production by the Sri Subrahmanya mutt of the accounts of the temple

Sl no 2. D. No 42 No 1410/27-9-08 from H. Swe agent of the Mutt.

Represents that it has been decided that the mutt is not bound to produce accounts and requests that the grant should be ordered to be disbursed

Sl no 3

2050-60/9
31-5-09

To the D. of Nilgiris
the Comptr.

Directs that the pay should be paid to the Mutt and a bill for the arrears shown in the statement

No 2061 C/31-5-09 to the Swamiyar of the mutt

Directs that the [illegible]

Copy to Board.

GS
28/11/36

File Register

GEN. & REV. SECRETARIAT
480.
14. NOV. 1936
MUZRAI BRANCH

MZ 238-36-1

216
35.6
Enc. 2 files
3864/1909

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

Bangalore, 9th November ....193 6.

FROM

K. V. ANANTARAMAN, Esq., B.A.,
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
..G e n e r a l.... ... *Department.*

GENERAL SECRETARY.
11 NOV. 1936

SIR,

Management of the affairs of the Sri Subrahmanyeswaraswami Temple at Ramanathapur, Arkalgud Taluk.

I have the honor to forward herewith in original for reference and return, correspondence ending with letter No.7/36-37 dated 11th July re. the above and to state as follows:-

2. The previous history of the case is given in sufficient detail in the Deputy Commissioner's letter dated 20th August 1935. The temple is a Muzrai institution having been endowed with a cash grant of Rs.566-14-0 a year and lands, as detailed in the Deputy Commissioner's letter. The temple is subject to the management and control of dual authority, i.e., the Government of Mysore and the Swamigalu of the Sri Subrahmanya Mutt, a portion of the endowment and jatra income being administered by the former and the rest including the cash grant, by the latter. Besides, the Swamigalu is in direct charge of the temple and all its moveable properties. With a view to put a stop to this anomalous position and to improve the efficiency of the institution, the Deputy Commissioner while stating that even though the legal position of the Swamigalu was that of a Sole Dharmadarsi and the appointment of a Committee of Dharmadarsis was irregular yet it was not necessary to recognise him as such as he was a resident of South Kanara District and as the present management was not efficient, recommended that the Muzrai Officers should be allowed to exercise their powers under the Mysore

Religious and Charitable Institutions Regulation, the present Committee of Dharmadarsis being continued and the Swamigalu being consulted on all important matters pertaining to the institution. In reply, the Deputy Commissioner was informed that the claim advanced by the Swamigalu that the temple is not subject to the control of the Muzrai Officers was manifestly untenable, that the present state of affairs was not such as to justify the displacement of the Swamigalu from the position of Sole Dharmadarsi and that it may be pointed out to him that he should not object to the Muzrai Officers exercising their powers of supervision etc., and that he should adhere to the scale that may be fixed providing for reserve and contribution to the Muzrai Establishment Fund.

3. The above was communicated to the Swamigalu and in his reply sent to the Deputy Commissioner and communication addressed to this office (enclosed in original), he does not agree to the Muzrai Officers exercising their powers of supervision over the institution and to the fixing of a scale for the full income providing for a suitable reserve and contribution to the Muzrai Establishment Fund, apparently basing his right on an order passed by Major Ellio on 22nd August 1866, a copy of which is produced. In view of this, the Deputy Commissioner is of opinion that the affairs of the institution will not improve unless the proposals made by him in his letter of the 21st August 1935 are sanctioned.

4. This is not the first time that the question of management of this temple has come up for consideration. On complaints receive in 1895, Government observed that the Mutt should maintain proper accounts and produce them before the Deputy Commissioner when called upon to do so, the tasdik being liable to be stopped in case of fail This was re-affirmed in 1909 when Government observed that the Mutt is bound to maintain proper accounts and to produce them for scrutiny by the Amildar or higher officers who will take care not to call for the accounts unnecessarily. The right of the Swamigalu to manage the temple without unnecessary interference seems to have been establis such right being governed by the condition that accounts should be

aintained and produced when called upon to do so. Kind reference is invited to the recitals in colums 6, 16 and 17 of the Inam Register according to which, the tasdik grant is to be handed over at the request of the Mutt Swami to the Parpathegar of the temple residing at Ramanatha pur so long as the institution was kept in good order and services were regularly conducted, the taluk authorities having no supervision over the establishment and other affairs of the temple. The right of Government to enquire into the affairs of the Muzrai Institutions with a view to find out if the object of the grant is being fulfilled and if the institution is kept in good order cannot be allowed to be disputed and the Swami's contention to the contrary is untenable. If the Swami had any exclusive right for the management of the temple, it was open to him to have established such right at the time of the Inam Settlement on the production of Major Elliot's Rubkari now exhibited and to have contested the orders passed by Government in 1895 and 1909. Having failed to do so, the Rubkari of 1866 cannot carry much weight in the face of the terms of the Inam Settlement and later Government orders and legal enactments.

5. But the point for consideration is whether later legal enactment passed "to consolidate and amend the law relating to Muzrai and other religious and charitable institutions in Mysore" could annul or modify position of the Swamigalu with reference to the management of this institution and, if so, to what extent. The Deputy Commissioner is definitely of opinion that the enactment of 1927 abrogated all the previous executive orders of Government prohibiting interference by the Muzrai Office in the management of temples and can no longer be considered to have any force. Besides this temple, there are a few others which come under the same category and which have not been exempted from the operation of the Regulation, VII of 1927, under the proviso to Section 1.

6. In the circumstances narrated above, I request you to be so good as to consult the Law Section and favour me with instructions whether the passing of the Regulation 27 supersedes all previous orders and the finding of the Inam Settlement and whether the Swamigalu may be called upon not to object to the Muzrai Officers exercising powers of supervision over the institution, such as calling for accounts , inspection of jewels,

intment of Committees of Dharmadarsis etc., and to the fixing a scale by Government on the full income of the institution pro-.ding for Reserve Fund and contribution to the Muzrai Establishment ınd, notwithstanding the fact that the temple is kept in a good)ndition and services are regularly conducted.

7. The entire file of vernacular papers is enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

1481 Income & Gazettes

Mg 238-36-2 & dt 11-5-37

To

The Muzrai Commissioner in Mysore,
Bangalore.

Subject:- Management of the affairs of Sri Subrahmanyeswaraswami Temple at Pamanathpur, Arakalgud Taluk.

.....

Sir,

With reference to your letter No.C. 276/35-36 dated 9th November 1936 and your U.O.Note No.C.276/35-36 dated 30th January 1937, on the subject referred to above, I am directed to state that when once it is conceded or found that the institution is a Muzrai Institution, it becomes amenable to the jurisdiction vested in the Muzrai Officer under the Religious and Charitable Institutions Regulation of 1927 notwithstanding all prior executive orders to the contrary and that the question of the regulation overriding the Chief Commissioner's Notification on account of the relevant clause in the Treaty which provides for the integrity of all the Rules and Notification of the Chief Commissioner does not arise in this case. The order of 1866 relied on by the Mutt, if authentic, is nothing more than an executive order and such orders have not the force of law. It does not so much by itself in express terms deny that Government has no power over the temple or

assumption which it was led to make by the impression created on the papers that were then perused. Besides there was no statutory power expressed in such language as the Regulation of 1927 does -

I am further to state that there are later orders of Government in the matter in which the power of Government is definitely asserted and such assertion has been unchalleng- ed by the Mutt for a very long period. This conduct of the Mutt amounts to acquiescence giving rise to an estoppel. In these circumstances, I am to state that powers under the Mysore Religious and Charitable Institutions Regulation, VII of 1927, may be exercised over the said institution.

The connected records received with your letter referred to above are herewith returned.

I have etc.,

General Secretary to Govt.